

**RULES
OF
THE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-02-02
CODES AND STANDARDS**

TABLE OF CONTENTS

0780-02-02-.01	Adoption by Reference	0780-02-02-.05	Local Ordinances
0780-02-02-.02	Repealed	0780-02-02-.06	Reserved
0780-02-02-.03	Retroactive Enforcement	0780-02-02-.07	Mobile Food Units
0780-02-02-.04	Conflicts		

0780-02-02-.01 ADOPTION BY REFERENCE.

- (1) Unless otherwise provided by applicable law or the provisions of this chapter, the required minimum standards for fire prevention, fire protection, and building construction safety in the State of Tennessee shall be those prescribed in the following publications:
- (a) International Building Code (IBC), 2012 edition, published by the International Code Council (ICC), except for:
 - 1. Chapter 11 Accessibility; and,
 - 2. Chapter 34, Section 3411 Accessibility For Existing Buildings;
 - (b) The International Fuel Gas Code (IFGC), 2012 edition, published by the International Code Council (ICC);
 - (c) The International Mechanical Code (IMC), 2012 edition, published by the International Code Council (ICC);
 - (d) The International Plumbing Code (IPC), 2012 edition, published by the International Code Council (ICC);
 - (e) The International Property Maintenance Code (IPMC), 2012 edition, published by the International Code Council (ICC);
 - (f) The International Fire Code (IFC), 2012 edition, published by the International Code Council (ICC);
 - (g) The International Energy Conservation Code (IECC), 2012 edition, published by the International Code Council (ICC), except that the provisions of the International Energy Conservation Code, 2006 edition, shall apply to the following occupancy classifications as defined by the International Building Code (IBC), 2012 edition:
 - 1. Moderate-hazard factory industrial, Group F-1;
 - 2. Low-hazard factory industrial, Group F-2;
 - 3. Moderate-hazard storage, Group S-1; and,
 - 4. Low-hazard storage, Group S-2;

(Rule 0780-02-02-.01, continued)

- (h) The International Existing Building Code (IEBC), 2012 edition, published by the International Code Council (ICC);
- (i) For state buildings, educational occupancies and any other occupancy requiring an inspection by the state fire marshal for initial licensure, NFPA 101 Life Safety Code, 2012 edition, published by the National Fire Protection Association (NFPA); except that:
 - 1. For classrooms in existing and new educational occupancies, as defined by Tenn. Comp. R. & Regs. 0780-02-03-.01(d), 15.2.2.2.4 excluding (1): Classroom Door Locking to Prevent Unwanted Entry, NFPA 101 Life Safety Code, 2018 edition, published by the NFPA; or
 - 2. For classrooms in existing and new colleges and university instructional buildings, 39.2.2.2.2 excluding (1): Classroom Door Locking to Prevent Unwanted Entry, NFPA 101 Life Safety Code, 2018 edition, published by the NFPA.
- (j) NFPA 101 Life Safety Code, 2021 edition, published by the National Fire Protection Association (NFPA) shall govern new Small Residential Board and Care facilities that:
 - 1. Are a change of occupancy from either a residential occupancy or a health care occupancy; and
 - 2. House eight (8) or fewer residents, and all residents have and maintain the ability to move reliably and escape to a point of safety as a group within three (3) minutes.
- (k) No provision of the preceding cited publications shall be adopted that conflicts with:
 - 1. The installation and service standards of portable fire extinguishers and fixed fire extinguisher systems in Tenn. Comp. R. & Regs. 0780-02-14-.02; and,
 - 2. The standards for engaging in the liquefied petroleum gas business in Tenn. Comp. R. & Regs. 0780-02-17-.02.
- (2) Paragraph (1) of this rule shall not be construed as adopting any provision of the cited publications which establishes:
 - (a) An optional or recommended, rather than mandatory, standard or practice; or,
 - (b) Any agency, procedure, fees or penalties for administration or enforcement purposes inconsistent with the statute or rules.

Authority: T.C.A. §§ 68-102-113 and 68-120-101. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed August 17, 1976; effective September 16, 1976. Repeal and new rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed October 14, 1997; effective December 28, 1997. Amendment filed June 12, 2001; effective August 26, 2001. Amendment filed March 19, 2004; effective June 2, 2004. Amendment filed November 16, 2007; withdrawn December 28, 2007. Emergency rule filed January 25, 2008; effective through July 8, 2008. Emergency rule filed July 8, 2008; effective through December 20, 2008. Amendment filed June 18, 2008; effective September 1, 2008. Amendments filed October 2, 2008; effective December 16, 2008. Amendments filed March 29, 2010; effective June 27, 2010. Repeal and amendments filed May 6, 2016; effective August 4, 2016. Emergency rules filed June 1, 2018; effective

(Rule 0780-02-02-.01, continued)

through November 28, 2018. Amendments filed August 24, 2018; effective November 22, 2018. Emergency rule filed June 14, 2023; effective through December 11, 2023.

0780-02-02-.02 REPEALED.

Authority: T.C.A. §§ 53-2413, 68-102-113, and 68-120-101 and Chapter 857, Public Acts of 1982.

Administrative History: Original rule filed July 27, 1982; effective August 26, 1982. Repeal and amendments filed May 6, 2016; effective August 4, 2016.

0780-02-02-.03 RETROACTIVE ENFORCEMENT. Any existing building which conformed to the standards legally effective at the time of its construction shall not be subject to the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01, unless the nonconformity of the building to such standards poses a serious life safety hazard. However, any construction as defined in Tenn. Comp. R. & Regs. 0780-02-03-.01 undertaken after the effective date of this chapter shall be in compliance with the standards adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01.

Authority: T.C.A. §§ 53-2413, 68-102-113, 68-120-101, and 68-120-102 and Chapter 857, Public Acts of 1982. **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed June 12, 2001; effective August 26, 2001. Repeal and amendments filed May 6, 2016; effective August 4, 2016.

0780-02-02-.04 CONFLICTS.

- (1) In the event of a conflict or inconsistency between the codes adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01:
 - (a) The provisions of the International Building Code (IBC) shall prevail if such conflict or inconsistency relates to building height, building area restrictions or construction type;
 - (b) The provisions of the Tennessee Public Building Accessibility Act, T.C.A. §§ 68-120-201, et seq., shall prevail if such conflict or inconsistency relates to accessibility;
 - (c) The provisions of NFPA 101 Life Safety Code, 2018 edition, shall prevail if such conflict or inconsistency relates to classrooms in existing and new educational occupancies, colleges, and university instructional buildings; and
 - (d) The more stringent provision shall prevail in all other cases.
- (2) In the event of a conflict or inconsistency between either standard adopted by reference in Tenn. Comp. R. & Regs. 0780-02-02-.01 and 0780-02-01 (Electrical Installations), the provisions of Tenn. Comp. R. & Regs. 0780-02-01 (Electrical Installations) shall prevail.
- (3) Nothing in this rule shall abrogate any right of appeal granted under T.C.A., Title 68, Chapters 102 and 120.

Authority: T.C.A. §§ 68-102-113, 68-102-113(a) and (e), 68-120-101, 68-120-101(a), and 68-120-106.

Administrative History: Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed November 14, 1983; effective December 14, 1983. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed October 14, 1997; effective December 28, 1997. Amendment filed March 19, 2004; effective June 2, 2004. Amendment filed November 16, 2007; withdrawn December 28, 2007. Amendment filed June 18, 2008; effective September 1, 2008. Amendment filed October 2, 2008; effective December 16, 2008. Repeal and amendments filed May 6, 2016; effective August 4, 2016. Emergency rules filed June 1, 2018; effective through November 28, 2018. Amendments filed August 24, 2018; effective November 22, 2018.

0780-02-02-.05 LOCAL ORDINANCES. Except as provided in T.C.A. § 68-120-101, or otherwise approved in writing by the state fire marshal, no city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee shall adopt or enforce any ordinance prescribing less stringent standards of fire prevention, fire protection, or building construction safety than those established hereunder. A city, county, town, municipal corporation, metropolitan government, or political subdivision of the state of Tennessee that has adopted an edition of a building construction or fire safety standard within seven (7) years of the most current published edition shall be deemed to be in compliance with this chapter.

Authority: T.C.A. §§ 58-2413, 68-17-113, 68-18-101, 68-102-113, 68-120-101, and 68-120-106 and Chapter 857, Public Acts of 1982. **Administrative History:** Original rule filed July 17, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Repeal and amendments filed May 6, 2016; effective August 4, 2016.

0780-02-02-.06 RESERVED.

0780-02-02-.07 MOBILE FOOD UNITS.

- (1) An applicant for a mobile food unit permit shall submit a completed application on a form as prescribed by the State Fire Marshal's Office along with a non-refundable application fee of three hundred dollars (\$300). If applicable, the application shall include:
 - (a) The owner and operator's contact information and business name;
 - (b) Date of application;
 - (c) Vehicle license plate number and Vehicle Identification Number;
 - (d) Cooking equipment and fuel that will be utilized;
 - (e) Type of cooking and processes used;
 - (f) Anticipated locations of operation;
 - (g) Preferred region for inspection; and
 - (h) Such other information as the State Fire Marshal may request.
- (2) Upon receipt of a complete application and the application fee, the State Fire Marshal's Office shall direct the applicant to schedule an inspection.
- (3) The State Fire Marshal's Office shall issue a permit upon an approved inspection of a mobile food unit confirming that the mobile food unit meets the applicable standards set by statute.
- (4) The mobile food unit shall prominently display the most recent permit issued by the State Fire Marshal's Office while the mobile food unit is in use. This permit must be visible from the outside of the mobile food unit.
- (5) Mobile food permits shall be effective for three hundred sixty-five (365) days from the date of issue and shall not be subject to renewal. A mobile food unit must obtain a new permit following the expiration of an existing permit.
- (6) Upon a failed inspection, the State Fire Marshal's Office shall inform the applicant of all code deficiencies and direct the applicant to schedule a follow-up inspection upon their correction.

(Rule 0780-02-02-.07 continued)

- (7) Any subsequent inspection(s) required as a result of a failed inspection shall require a fee of one hundred fifty dollars (\$150).
- (8) The State Fire Marshal's Office will conduct an initial inspection for permitting approval and may conduct additional inspections upon receipt of a complaint or if the State Fire Marshal determines the inspections are necessary to address code violations or an observation of unlawful conditions in violation of the standards in T.C.A. § 68-102-155(e). If the State Fire Marshal determines at any time that the holder of a permit does not meet all requirements for the issuance of the permit or that there are code violations, the Commissioner may issue an order as provided by T.C.A. § 68-102-155(f).
- (9) If a mobile food unit changes, removes, or adds any equipment installed in the mobile food unit beyond the equipment that was inspected for approved permit, the permit-holder shall apply for and receive a new mobile food unit permit, including the paying all fees for such a new permit, prior to operating the mobile food unit.

Authority: T.C.A. § 68-102-155 and Chapter 390, Public Acts of 2023. **Administrative History:** Emergency rule filed October 3, 2023; effective through March 31, 2024.